

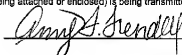
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Todd et al.
Serial No.: 10/762,036
Confirmation No.: 3938
Filed: January 21, 2004
For: METHODS AND APPARATUS FOR INDIRECTLY IDENTIFYING
A RETENTION PERIOD FOR DATA IN A STORAGE SYSTEM
Examiner: E. P. Leroux
Art Unit: 2161

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: January 14, 2009



AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the Office Action mailed October 14, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

The Office Action rejects claims 29, 30, 32-46, 48-62, and 64-91 under 35 U.S.C. §103(a) as purportedly being obvious over Hochberg (2005/0055518), Carpentier (7,263,521), and McIntosh (6,185,576). Each of these rejections is respectfully traversed.

Claims 29 and 45

Each of claims 29 and 45 patentably distinguishes over the asserted combination of Hochberg, Carpentier, and McIntosh, as none of these references discloses or suggests, “retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period,” as recited in claims 29 and 45.

The Office Action contends that Carpentier discloses this limitation at col. 1, lines 20-40, col. 4, lines 55-65, col. 6, lines 50-60, Figure 1A, and Figure 2, because Carpentier discloses “content-addressable information is stored and retrieved by the use of hash functions.”

Carpentier does disclose the use of hash functions, but this does not have anything to do with retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period. In Carpentier, a hash function is used to create an identifier for a document. That is, Carpentier discloses that a document is hashed using a hash function to create a “digital fingerprint” or “message digest” that is used as a unique identifier for the document (col. 7, lines 15-30). This digital fingerprint or message digest serves as an identifier for a document.

It is unclear how the Office Action considers such a digital fingerprint to be related to retrieving first information that identifies a manner of accessing second information specifying the previously-defined retention period. Indeed, none of the cited portions of Carpentier even mention accessing information that specifies a previously-defined retention period.

The cited portion of Carpentier at col. 4 gives an example in which document A includes within it the hash values of documents B and C. The Office Action appears to consider a hash value stored in document A to be information that identifies a manner of accessing second information, and appears to consider the document that the hash value identifies (e.g., document B) to be the second information. Even if the hash value for document B is considered to be “first information,” and document B is considered to be “second information,” this so-called second information is not “information specifying the previously-defined retention period,” as required by claims 29 and 45. Moreover, Carpentier does not disclose that the hash value (i.e., the so-called “first information”) is retrieved in response to a request to delete a unit of data.

As none of the cited references discloses or suggests, "retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period," each of claims 29 and 45 patentably distinguishes over the asserted combination of these references.

Claims 30 and 32-44 depend from claim 29 and claims 46 and 48-60 depend from claim 45. Each of these dependent claims is patentable for at least the same reasons as its respective independent claim. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Claim 61

Claim 61 recites a controller to, "in response to the request, determine whether a retention period for the unit of data has expired by performing acts of: retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period."

As should be clear from the discussion above, each of these claims patentably distinguishes over the asserted combination of Hochberg, Carpentier, and McIntosh, such that the rejections of these claims should be withdrawn.

Claims 62 and 64-73 depend from claim 61. Each of these dependent claims is patentable for at least the same reasons as claim 61. Accordingly, it is respectfully requested that the rejection of each of these claims be withdrawn.

Claims 74 and 80

Independent claims 74 and 80 each recite an act of "transmitting a request from the at least one host to the at least one storage system to modify the retention period specified by the retention class, thereby modifying a period of time during which the plurality of data units belonging to the retention class cannot be deleted from and/or modified on the at least one storage system."

Notably, the Office Action does not address this limitation, and does not cite any portion of any of the references as purportedly disclosing it. Indeed, the Office Action appears to lump independent claims 74 and 80 into the explanation of the rejection of independent claims 29, 45, and 61, despite the fact that claims 74 and 80 are entirely different from claims 29, 45, and 61 and do

not share a single common limitation. Clarification as to how the Examiner is interpreting claims 74 and 80 to read on the system resulting from the asserted combination of Hochberg, Carpentier, and McIntosh is respectfully requested.

Applicant notes that neither Hochberg nor Carpentier discloses the use of retention classes, let alone modifying the retention period associated with a retention class. McIntosh does not cure this infirmity of Hochberg or Carpentier. While McIntosh, at col. 8, lines 42-49 discloses a class table that associates a retention period with a particular class of documents and discloses that changing the data for a particular class code in the class table also changes all documents associated with that class, McIntosh does not disclose a transmitting a request from a host to a storage system to modify a retention period specified by a retention class.

Thus, claims 74 and 80 patentably distinguish over the system resulting from the asserted combination of Hochberg, Carpentier, and McIntosh, such that the rejection of these claims should be withdrawn.

Claims 75-79 depend from claim 74 and claims 81-86 depend from claim 80 and are patentable for at least the same reasons as the independent claim from which they depend.

Claim 86

Independent claim 86 recites a controller to "transmit a request to the at least one storage system to modify the retention period specified by the retention class, thereby modifying a period of time during which the plurality of data units belonging to the retention class cannot be deleted from and/or modified on the at least one storage system."

As should be clear from the discussion above, claim 86 patentably distinguishes over the system resulting from the asserted combination of Hochberg, Carpentier, and McIntosh, such that the rejection of this claim should be withdrawn.

Claims 87-91 depend from claim 86 and are patentable for at least the same reasons.

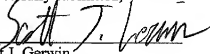
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: January 14, 2009

Respectfully submitted,

By 
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